

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-15 are pending in the application, with claims 1 and 8 being the independent claims.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-5 and 7-13

Claims 1-5 and 7-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,275,498 to Bisceglia ("Bisceglia") in view of U.S. Patent No. 6,108,713 to Sambamurthy ("Sambamurthy"). For the reasons set forth below, Applicants respectfully traverse this rejection.

On page 4 of the Office Action, the Examiner admits that "Bisceglia et al. does not explicitly disclose the step of sending the parameters to the physical layer device at a predetermined time."

The Examiner points to Sambamurthy to supply the teaching missing from Bisceglia. However, when discussing Sambamurthy, the Examiner fails to assert in the Office Action that Sambamurthy teaches or suggests "sends the parameters to the physical layer device at the predetermined changeover time" as recited in independent claim 1. Rather, the Examiner asserts that Bisceglia teaches "to change a physical layer parameter responsive to the collected statistics" (*see* page 4 of the Office Action).

Firstly, Applicants respectfully assert that changing physical layer parameters in response to collected statistics is not equivalent to sending parameters to a physical layer device at a predetermined changeover time. Secondly, Applicants respectfully submit that Sambamurthy fails to teach changing a physical layer parameter responsive to the collected statistics, let alone teach sending parameters to a physical layer device at a predetermined changeover time. For example, col. 10, lines 42 to col. 11, lines 52; col. 12, lines 32-42; col. 12 lines 56 to col. 13, lines 37 and Figs. 2, 3 of Sambamurthy, cited by the Examiner on page 4 of the Office Action, do not teach changing a physical layer parameter responsive to collected statistics, let alone teach sending parameters to a physical layer device at a predetermined changeover time.

In the text cited by the Examiner, Sambamurthy describes use of SUPERMAC management block 117 for interfacing between transmitting SUPERMAC Tx controller 118 and receiving SUPERMAC Rx controller 120. SUPERMAC management block 117 also determines when to transmit packets out of SUPERMAC Tx controller 118 and into PHY 140. Sambamurthy also describes use of state machines in SUPERMAC Tx controller 118 for processing data received from the upper LLC layer, and incorporating appropriate hooks into the processed packets before being transferred to physical medium 140. Sambamurthy further describes use of FIFO Rx controller 112 to assign numbers to packets and for instructing FIFO Rx 108 to transfer a particular numbered packet to PEP 124.

Thus nothing in Sambamurthy teaches or suggests "sends the parameters to the physical layer device at the predetermined changeover time" as recited in independent claim 1. In fact, the Examiner fails to point to any structure in Sambamurthy that "stores

a predetermined changeover time" or that "stores the parameters in advance of sending the parameters to the physical layer device" as recited in independent claim 1¹.

Reconsideration and withdrawal of the rejection are respectfully requested.

Objection to the claims

Claims 6, 14 and 15 are objected to as being dependent upon rejected base claims 1 and 8. However, for reasons set forth above, Applicants have traversed the rejection of independent claims 1 and 8. Therefore, Applicants respectfully request that the Examiner reconsider these objections and that they be withdrawn.

Conclusion

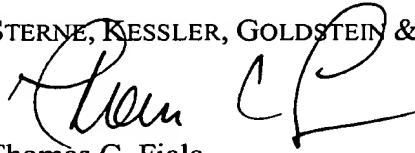
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

¹ In the event that Applicants have misunderstood the Examiner's arguments, Applicants respectfully request the Examiner to more specifically point to where the applied references teach or suggest each of the claimed limitations.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'Tom C Fiala', written over the firm name.

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